pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 13, 2026

IN RE: *Melissa Strasser v. Lower Southampton Twp.*; OOR Dkt. AP 2026-4902

On October 2, 2026, Melissa Strasser, Esq. ("Requester") emailed a request ("Request") to Lower Southampton Township ("Township") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking budget records for the Township Police Department. Having received no response from the Township, the Requester filed an appeal with the Office of Open Records ("OOR") on October 29, 2026, alleging the Request was deemed denied. *See* 65 P.S. § 67.901.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Township did not participate in the appeal by raising grounds for withholding records, asserting that the requested records do not exist, or providing evidence in support of those arguments.[1] Accordingly, the Township did not meet its burden of proof under the RTKL. 65 P.S. § 67.305; *see also Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the appeal is **granted**, the Township is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Bucks County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party. All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: http://openrecords.pa.gov.

Issued by:

/s/ *Joshua T. Young*

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Melissa Strasser, Esq.; Joseph Galdo, AORO

[1] The Township's Open Records Officer, Joseph Galdo, was granted access to the Notice of Appeal documents through the OOR's e-file portal using the contact information found on the Township's website. *See Right to Know - Lower Southampton Township* (last accessed November 13, 2026).